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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,631	01/22/2002	Kunihiko Tanaka	02001/LH	3624

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NEW YORK, NY 10017-2023

EXAMINER

AMINZAY, SHAIMA Q

ART UNIT	PAPER NUMBER
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2674

DATE MAILED: 12/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/053,631

Applicant(s)

TANAKA, KUNIIHIKO

Examiner

Shaima Q. Aminzay

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 6) ☐ Other: _____

Detailed Action

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montague U. S. Patent 6,415,555 B1 (hereinafter '555), in view of Tanaka U. S. Patent 6,145,628 B1 (hereinafter '628).
3. Regarding claim 1, Montague ('555) discloses a food and drink ordering system in an eating and drinking place such as restaurant or a food court area (see column 1, lines 6-9 and lines 20-26; column 2, lines 40-50, and see the Abstract), comprises: order input means "touch sensitive display screen" (column 2, lines 66-67, column 3, lines 1-67, and column 3, lines 1-7) for inputting information, order display means (column 3, lines 1-5) and control unit having menu display function of displaying food and drink information (see figures 4-6, column 3, lines 1-67, and column 4), the order display menu "consists of a touch screen allowing the consumer to move through a series of menus and sub-menus" to select food or drink, and "a real-time list of the ordered items is displayed at all times" (see column 3, lines 37-38). Further, Montague ('555) discloses that when the customer has completed his order, the order is transmitted electronically to the

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order production facility such as kitchen or where food and drink is prepared (column 4, lines 46-57).

Montague ('555) does not disclose that the food or drink video images are being displayed on the image display means, and the customer order food and drink from the customer's table.

However, it is standard and well known in the art that the food and drink video images can be displayed on any given display including touchscreens, it is common in fast-food restaurants or a like food service places to display food or animated images on the screen (or touchscreen) to attract customer and make food selection easier.

Tanaka ('628) discloses a food and drink conveying system, comprising: a U-shaped setting connecting customer's table or counter to the kitchen or where food and drink is being prepared (for example see, Figure 1 or 7, column 1, lines 42-52, 61-64, and column 2, lines 51-25) as it is shown in figure 7 (or figure 1), the counter 2b, table 2a is connected through the housing 4a to the kitchen 3 and dinning area 1; the designated input from the table by the customer can be recognized in the kitchen so the customer order can be delivered to the correct table (see column 1 , lines 61-64).

Thus it is obvious to one in the ordinary skill in the art at the time of invention was made to modify the food and drink ordering system of Montague ('555) to include the food and drink conveying system of Tanaka ('628) to provide customer with a

convenient food and drink ordering system (see column 1, lines 35-52, and 61-64).


4. Regarding claim 2, Montague ('555) and Tanaka ('628) teaches the claim elements discussed in claim 1 above and, further Montague ('555) teaches that the settlement of the charges for the customer's meal is being made by the system (column 3, lines 36-48) and when the customer completes his/her order the payment can be made by credit or debit card and the food and drink ordering system is equipped with the bar-code reader or card reader (see column 1, lines 46-53; column 4, lines 32-34, 36-39).
5. Regarding claim 3, Montague ('555) and Tanaka ('628) teaches the claim elements discussed in claim 1 above and, further Tanaka ('628) teaches foods and drinks carrying means, as in column 1 lines 35-40, "food and drink conveying system which enables a food or drink ordered, served to and conveyed through a conveying path to surely be received by the ordered" (customer), the food or drink order is being received from the kitchen or food and drink supplying place to the customer's table (see for example Figure 1 and 7; Figure 12, items 701-702, 704-705, 707-708; column 1, lines 35-64; column 2, lines 51-67; column 3, lines 1-24)

Regarding claim 4, Montague ('555) and Tanaka ('628) teaches the claim elements discussed in claim 1, 2 above and, further Tanaka ('628) teaches in claim 3 above that the food or drink order is being received from the kitchen or food and drink supplying place to the customer's table.

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure
2. Lai (U.S. Pat. 6,179,088 B1) Interlinked watercourses for sushi boats
3. Yamada (U.S Pat. 4,349,086) Circulating food display system
4. Matthew Senn (U. S. Pat. 2002/0196204 A1) Retail customer and product purchase divider with interactive retail transaction function.
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shaima Q. Aminzay whose telephone number is 703-305-8723. The examiner can normally be reached on 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH MANCUSO can be reached on 703-305-3885. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.


RICHARD HJEMPE
SUPERVISORY PATENT EXAMINER
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